
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Steven D. Brockinton and Gina D.
Brockinton

Case Number: 03-05547

Names of the Respondents

Salomon Smith Barney and
David Michael Harris

Hearing Site: Little Rock, Arkansas

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Steven D. Brockinton and Gina D. Brockinton, hereinafter collectively referred to as "Claimants": Gary P. Barket, Esq., Gary P. Barket, P.A., Little Rock, Arkansas.

For Salomon Smith Barney ("SSB") and David Michael Harris ("Harris"), hereinafter collectively referred to as "Respondents": Kristine G. Baker, Esq., Quattlebaum, Grooms, Tull & Burrow, PLLC, Little Rock, Arkansas.

CASE INFORMATION

Statement of Claim filed on or about: July 29, 2003.

Claimants signed the Uniform Submission Agreement: July 23, 2003.

Statement of Answer filed by Respondents on or about: September 30, 2003.

Respondent SSB signed the Uniform Submission Agreement: September 30, 2003.

Respondent Harris did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: violation of NASD Conduct Rules 2310, 2310-2 and 2110; unsuitability; violation of NYSE Rule 405; breach of contract; breach of fiduciary duty; and, negligence. The causes of action relate to the purchase and sale of shares of Enron stock in Claimants' account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$20,000.00, disgorgement of commissions, lost opportunity or market adjustment losses, punitive damages, costs and reasonable attorney's fees.

Respondents requested that Claimants' Statement of Claim be denied in its entirety and dismissed, with prejudice, and that all costs, including attorney's fees, be assessed against Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Harris did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the hearing, is bound by the determinations of the Arbitrator on all issues submitted.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Claimants' claims are denied. The Arbitrator finds no actionable fault on behalf of Respondents.

Any and all claims for relief not specifically addressed herein, including Claimants' request for punitive damages and all parties' requests for attorneys' fees, are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 125.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$ 425.00
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Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: December 10, 2003 1 session	
Two (2) Hearing sessions with a single arbitrator @ \$450.00	= \$ 900.00
Hearing Date: April 13, 2004 2 sessions	
Total Forum Fees	= \$ 1,350.00

The Arbitrator has assessed \$675.00 of the forum fees jointly and severally to Claimants.
The Arbitrator has assessed \$675.00 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 675.00
Total Fees	= \$ 800.00
Less payments	= \$ 575.00
Balance Due NASD Dispute Resolution	= \$ 225.00

Respondent SSB is solely liable for:

Member Fees	= \$ 425.00
Total Fees	= \$ 425.00
Less payments	= \$ 425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$ 675.00
Total Fees	= \$ 675.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 675.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATOR

David Byron Bogard - Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

/s/

04/20/04

David Byron Bogard
Public Arbitrator, Presiding Chairperson

Signature Date

04/20/04

Date of Service (For NASD Dispute Resolution office use only)

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ARBITRATOR

David Byron Bogard

Public Arbitrator, Presiding Chairperson

Arbitrator's Signature



David Byron Bogard
Public Arbitrator, Presiding Chairperson

4/20/04
Signature Date

Date of Service (For NASD Dispute Resolution office use only)